

PROFESSIONAL NDE & WELDING
SERVICES
Non Destructive Testing and Welding Services
Road 844, Km. 2.3, Bo. Cupey Bajo,
Rio Piedras, San Juan, PR

P.O. Box 1768, Trujillo Alto, PR, 00977
Phones: (787) 761-7070, 761-7063
Fax (787) 761-7005
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January 12, 2007

US Nuclear Regulatory Commission
ATTN :Document Control Desk
Washington, D.C. 200555

Docket No. ~~03030657~~ ⁵⁴⁷⁷ **03035477**
License No. 52-25538-01

RECEIVED
REGION 1
2007 JAN 29 AM 11:16

Re: "Reply to a Notice of Violation"

On November 29, 2006, Mr. Graig Gordon, performed a safety inspection at our facilities in Trujillo Alto, Puerto Rico. The inspection was an examination of my licensed activities, related to radiation safety and to compliance with the Commission's regulation. The inspection consisted of observation by the inspector, interviews with personnel and all examination records. The inspection was performed in the period of time from 9:00 a.m. to 6:45 p.m. Based on the allegation results of this inspection, it appears that our activities were not conducted in full compliance with NRC requirements. The allegation of violation is that the licensee did not review periodically the radiation protection program content and implementation, at least annually.

1- Disputing the violation:

We did not accept the imputation of the violation, we performed the revision of the procedures and its implementation annually, what we did not do was to document these revisions. We understand that there was a bad interpretation by the difference of languages. Before the NRC inspector spoke and understood spanish or came accompanied by an official of the Health and Security Department.


The inspector verified all the information, including the new implemented security system and did not find any violation. In addition, in previous years (2002, 2003, 2004 and 2005), the inspections do not reflect any violation. We will documented for the next inspection.

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U.S. Nuclear Regulatory Commission
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Please do not hesitate to call us, if you have any questions regarding to this document.

Cordially yours,


Wilfredo Rivera Febus
Vice President RSO

Cc: Regional Administrator,
Region I
475 Allendale Road
King of Prussia, Pennsylvania 19406-1415

Cc: Director, Office of Enforcement
United States Nuclear Regulatory Commission,
Washington, D.C. 20555-0001



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

December 28, 2006

Docket No. ~~03030657~~ ⁰³⁰³⁵⁴⁷⁷

License No. 52-25538-01

Luiz A. Martinez
President
Professional NDE and Welding Services
P.O. Box 1481
Trujillo Alto, PR 00977

⁰³⁰³⁵⁴⁷⁷
SUBJECT: INSPECTION ~~03030657~~/2006003, PROFESSIONAL NDE AND WELDING
SERVICES, TRUJILLO ALTO, PUERTO RICO SITE AND NOTICE OF
VIOLATION

Dear Mr. Martinez:

On November 29, 2006, Craig Gordon of this office conducted a safety inspection at the above address of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. The findings of the inspection were discussed with your organization at the conclusion of the inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes the violation by severity level. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

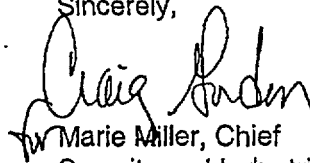
Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Toolkit Index Page**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 8:00 p.m. EST, Monday through Friday (except Federal holidays).

L. Martinez
Professional NDE and Welding Services

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Your cooperation with us is appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marie Miller".

Marie Miller, Chief
Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Commonwealth of Puerto Rico

NOTICE OF VIOLATION

Professional NDE and Welding Services
Trujillo Alto, PR

03035477
Docket No. ~~03030657~~
License No. 52-25538-01

During an NRC inspection conducted on November 29, 2006, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 20.1101(c) requires that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, between January 1, 2002 and November 29, 2006, the licensee did not periodically review the radiation protection program content and implementation at least annually. Specifically, in calendar years 2002-2005 the annual review was not performed.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Professional NDE and Welding Services is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Notice of Violation
Professional NDE and Welding Services

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Dated This 28th day of December 2006